

2003 SENATE BILL 365

January 7, 2004 - Introduced by Senators STEPP, WELCH, RISSER and ROESSLER, cosponsored by Representatives LADWIG, HINES, KERKMAN, STONE, TURNER, GUNDERSON, J. LEHMAN, KESTELL, MILLER, OLSEN, ALBERS, GRONEMUS, TAYLOR, KRAWCZYK, AINSWORTH, HAHN, HUNDERTMARK, SUDER, MUSSER, BIES, VAN ROY, VRAKAS and OTT. Referred to Committee on Homeland Security, Veterans and Military Affairs and Government Reform.

1 **AN ACT** *to renumber* 236.295 (2); *to amend* 59.20 (3) (c), 236.25 (2) (a), 236.34
2 (1) (c), 703.11 (2) (d), 867.045 (1) (j) and 867.046 (2) (i); *to repeal and recreate*
3 59.43 (2) (ag), 59.43 (2) (ag) and 779.97 (5) (a); and *to create* 236.295 (2) (b) and
4 706.01 (7r) of the statutes; **relating to:** the cutoff time for receipt of documents
5 for filing and recording with a register of deeds and fees relating to federal tax
6 lien filings.

Analysis by the Legislative Reference Bureau

Under current law, a county board may enact an ordinance providing that the cutoff time for a register of deeds to receive documents for filing and recording may be one-half hour before the close of an official business day during which a register of deeds office is open to the public. Current law provides that this cutoff time may be set to allow a register of deeds to complete the processing, recording, and indexing of documents to conform to the day of reception.

Under this bill, a county board may enact an ordinance providing that the cutoff time for a register of deeds to receive documents for filing and recording may be one hour before the close of an official business day during which a register of deeds office is open to the public.

The bill also makes technical changes to the recording of certain real estate and probate documents to facilitate and modernize recording and makes changes regarding the fee for filing and indexing federal liens and related documents to make the fee more uniform.

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For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 59.20 (3) (c) of the statutes is amended to read:

2 59.20 **(3)** (c) Any board may, by ordinance, provide that the cut-off reception
3 time for the filing and recording of documents shall be advanced by ~~one-half~~ one hour
4 in any official business day during which time the register of deeds office is open to
5 the public, in order to complete the processing, recording, and indexing to conform
6 to the day of reception. Any register of deeds may provide in his or her notice under
7 s. 19.34 (1) that requests for inspection or copying of the records of his or her office
8 may be made only during a specified period of not less than 35 hours per week. For
9 all other purposes, the register of deeds office shall remain open to the public during
10 usual business hours.

11 **SECTION 2.** 59.43 (2) (ag) of the statutes is repealed and recreated to read:

12 59.43 **(2)** (ag) 1. Subject to s. 59.72 (5), for recording any instrument entitled
13 to be recorded in the office of register of deeds, \$11 for the first page and \$2 for each
14 additional page, except that no fee may be collected for recording a change of address
15 that is exempt from a filing fee under s. 185.83 (1) (b).

16 2. In the event of conflict in the statutes regarding recording fees, subd. 1. shall
17 control.

18 **SECTION 3.** 59.43 (2) (ag) of the statutes, as affected by 2003 Wisconsin Act ...
19 (this act), is repealed and recreated to read:

20 59.43 **(2)** (ag) 1. For recording any instrument entitled to be recorded in the
21 office of register of deeds, \$8 for the first page if the county maintains a land

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1 information office under s. 59.72 (3) and \$4 for the first page if the county does not
2 maintain such an office, and \$2 for each additional page, except that no fee may be
3 collected for recording a change of address that is exempt from a filing fee under s.
4 185.83 (1) (b).

5 2. In the event of conflict in the statutes regarding recording fees, subd. 1. shall
6 control.

7 **SECTION 4.** 236.25 (2) (a) of the statutes is amended to read:

8 236.25 (2) (a) ~~It is on muslin-backed white paper 22 inches wide by 30 inches~~
9 ~~long and bears a department certification of no objection or it is reproduced with~~
10 ~~photographic silver haloid image on double matt polyester film of not less than 4 mil~~
11 ~~thickness, a permanent nonfading black image on durable white media that is 22~~
12 ~~inches wide by 30 inches long. complies with the requirements of s. 59.43 (2m) (b) 4.,~~
13 ~~and bears a department certification of no objection.~~ Seals or signatures reproduced
14 on images complying with this paragraph shall be given the force and effect of
15 original signatures and seals;

16 **SECTION 5.** 236.295 (2) of the statutes is renumbered 236.295 (2) (a).

17 **SECTION 6.** 236.295 (2) (b) of the statutes is created to read:

18 236.295 (2) (b) Notwithstanding par. (a), in a county that maintains a tract
19 index pursuant to s. 59.43 (12m), a correction may be made by reference in the tract
20 index to the plat or certified survey map.

21 **SECTION 7.** 236.34 (1) (c) of the statutes is amended to read:

22 236.34 (1) (c) The map shall be prepared in accordance with s. 236.20 (2) (a),
23 (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3) (b), (d), and (e) at a graphic scale of
24 not more than 500 feet to an inch, which shall be shown on each sheet showing layout
25 features. The map shall be prepared with a binding margin 1.5 inches wide and a

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1 0.5 inch margin on all other sides on durable white paper ~~8 1/2 inches wide by 14~~
2 ~~inches long with nonfading black image or reproduced with photographic silver~~
3 ~~haloid image on double matt polyester film of not less than 4 mil thickness which~~
4 media that is 8 1/2 inches wide by 14 inches long with a permanent nonfading black
5 image. When more than one sheet is used for any map, each sheet shall be numbered
6 consecutively and shall contain a notation giving the total number of sheets in the
7 map and showing the relationship of that sheet to the other sheets. "CERTIFIED
8 SURVEY MAP" shall be printed on the map in prominent letters with the location
9 of the land by government lot, recorded private claim, quarter-quarter section,
10 section, township, range and county noted. Seals or signatures reproduced on
11 images complying with this paragraph shall be given the force and effect of original
12 signatures and seals.

13 **SECTION 8.** 703.11 (2) (d) of the statutes is amended to read:

14 703.11 **(2)** (d) All survey maps and floor plans submitted for filing shall be
15 legibly prepared with a binding margin of 1.5 inches on the left side and a one-inch
16 margin on all other sides on durable white paper ~~14 inches in length and 22 inches~~
17 ~~in width with nonfading black image or reproduced with photographic silver haloid~~
18 ~~image on double matt polyester film of not less than 4 millimeter thickness and~~
19 media that is 14 inches long by 22 inches wide with a permanent nonfading black
20 image. The maps and plans shall be drawn to a convenient scale.

21 **SECTION 9.** 706.01 (7r) of the statutes is created to read:

22 706.01 **(7r)** "Legal description" means a description of a specific parcel of real
23 estate that is described in one of the following ways, whichever is appropriate:

24 (a) By one of the ways under s. 66.0217 (1) (c).

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1 (b) By condominium name, unit number, and appurtenance number in a
2 platted condominium development.

3 **SECTION 10.** 779.97 (5) (a) of the statutes is repealed and recreated to read:

4 779.97 (5) (a) The fee for filing and indexing each notice of lien or certificate
5 or notice affecting the lien is the fee specified under s. 59.43 (2) (ag).

6 **SECTION 11.** 867.045 (1) (j) of the statutes is amended to read:

7 867.045 (1) (j) In the case of real property, a copy of the property tax bill for the
8 year preceding the year of the decedent's death and a legal description of the
9 property, which description shall be imprinted on or attached to the application. The
10 register of deeds shall record the bill. The required recording of the tax bill may be
11 waived by an agreement between the register of deeds and the county real property
12 lister.

13 **SECTION 12.** 867.046 (2) (i) of the statutes is amended to read:

14 867.046 (2) (i) In the case of real property, a copy of the property tax bill for the
15 year preceding the year of the decedent's death and a legal description of the
16 property, which description shall be imprinted on or attached to the application. The
17 register of deeds shall record the bill. The required recording of the tax bill may be
18 waived by an agreement between the register of deeds and the county real property
19 lister.

20 **SECTION 13. Effective dates.** This act takes effect on the day after publication,
21 except as follows:

22 (1) FILING FEES. The repeal and recreation of section 59.43 (2) (ag) (by SECTION
23 3) of the statutes take effect on September 1, 2005.

24

(END)